
**Juvenile Justice & Family Law
Committee**

HB 2603

Brief Description: Requiring a diversion record to be sealed upon the successful completion of the diversion or counsel and release.

Sponsors: Representatives Roberts, Dickerson, Lovick, Pettigrew, Green, O'Brien, Ericks, McDonald, Tom, Appleton, Moeller and Kagi.

Brief Summary of Bill

- Requires the records of a diversion agreement or counsel and release to be sealed upon the completion of the diversion contract or counsel and release.

Hearing Date: 1/24/06

Staff: Sonja Hallum (786-7092).

Background:

If a prosecuting attorney receives a report from law enforcement of an alleged offense, the prosecutor screens the complaint to determine whether there is juvenile court jurisdiction over the alleged offense and whether there is probable cause to believe that the juvenile committed the offense.

If the prosecutor determines the case is legally sufficient the prosecutor is required to divert the case if the alleged offense is a misdemeanor, gross misdemeanor, or violation and the alleged offense is the offender's first offense or violation.

When the case is referred to Diversion, the juvenile will sign a contract in which the juvenile agrees to fulfill certain obligations in lieu of prosecution. These obligations may include restitution, community service, and counseling as well as other possible obligations.

The juvenile may be counseled and released if the offense did not involve a victim, or if the juvenile has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss.

If a diversion contract is signed and the juvenile fails to follow the terms of the contract, the contract may be terminated by the court and the case re-referred to the prosecuting attorney to decide whether to file formal charges and bring the juvenile into the court system.

If the juvenile completes the terms of the contract, the juvenile's obligation ends and the offense is reflected on the juvenile's criminal history.

The juvenile's history in the official juvenile court file is open to the public unless the file has been sealed by court order. If a juvenile court grants a motion to seal a record, the court vacates the original adjudication and orders the record to be sealed. Thereafter, the proceedings in the case are treated as if they never occurred.

Records relating to juvenile court diversions may be sealed if the offender has spent two years in the community without committing an offense.

Summary of Bill:

The records of a diversion agreement or counsel and release are required to be sealed upon the completion of the diversion contract or counsel and release.

Appropriation: None.

Fiscal Note: Requested on 1/12/06.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.